

EXHIBIT B

JUDITH ORCUTT

June 22, 2006



COPY

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

C.A. No. 04-11842-PBS

SCOTT RODGERS,

*

Plaintiff

*

vs.

*

CORRECTION OFFICER ORCHID, UNKNOWN

*

CORRECTION OFFICER JOHN DOE, JOE WHITMORE,

*

DOCTOR HOWARD, JOHN SMITH, PLYMOUTH

*

COUNTY,

*

Defendants

*

DEPOSITION OF: JUDITH ORCUTT

HRONES, GARRITY & HEDGES

Lewis Wharf Bay, Suite 232

Boston, Massachusetts

June 22, 2006 10:00 a.m.

GAYLE OHMAN

CERTIFIED SHORTHAND REPORTER

#1353S94

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1 of, that has been brought to my attention.

2 No.

3 Q. (By Mr. Tumposky) So during your
4 time when you were in the units how many
5 times -- during that time how many times were
6 you asked by an inmate for medical attention
7 after lights out?

8 MR. BREEN: Objection.

9 THE WITNESS: I can't state a
10 number.

11 Q. (By Mr. Tumposky) More than 10?

12 MR. BREEN: Objection.

13 THE WITNESS: I would say yes.

14 Q. (By Mr. Tumposky) More than 20?

15 A. I specifically couldn't -- I don't
16 want to tell you a specific number. That it
17 would be more than 10 I do not know
18 specifically.

19 Q. Of those number of individuals that
20 asked for medical attention after lights went
21 out, how many of them did you refer at that time
22 to the medical unit?

23 A. All of them.

24 Q. So what would happen, how would the

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1 **referral process happen? How would you get in**
2 **contact?**

3 A. After -- I would speak to the
4 inmate, find out the complaints that he had. I
5 would get his name, where he is to give the
6 information to the medical officer. I would
7 call by phone, call down to the medical
8 department and say an inmate -- I'm just going
9 to use Joe Jones -- that's complaining of heart
10 pain. And medical will advise me of where to
11 send him.

12 Q. Did you ever have an instance where
13 medical told you that they would have to wait
14 until the morning?

15 A. Yes, I did have -- not until the
16 morning, but they would have to wait.

17 Q. Wait until when?

18 MR. BREEN: Objection.

19 THE WITNESS: I don't believe they
20 gave me a specific time.

21 Q. (By Mr. Tumposky) But they just
22 said they can't see him now?

23 A. Correct.

24 Q. During the night shift how many

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1 **people were assigned to the medical unit?**

2 MR. BREEN: Objection.

3 THE WITNESS: I do not know.

4 **Q. (By Mr. Tumposky) Was there always**
5 **someone assigned?**

6 ~~MR. BREEN: Objection.~~

7 THE WITNESS: As far as I know when
8 I worked the night shift there was a
9 medical officer on duty.

10 **Q. (By Mr. Tumposky) So your**
11 **testimony is whenever an inmate complained to**
12 **you about a medical condition you always**
13 **contacted the medical unit to see if they could**
14 **be sent over there?**

15 A. Correct. If it was an issue that
16 needed to be directed right away, correct.

17 **Q. So what if it wasn't an issue that**
18 **needed to be directed right away?**

19 MR. BREEN: Objection.

20 THE WITNESS: If the inmate just
21 had a headache or something minor, they
22 call up and say I have a headache I want
23 some aspirin, I tell them a headache is
24 non life threatening and that I'd gladly

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1 put them on the medical sign-up.

2 Q. (By Mr. Tumposky) So there were
3 instances in which an inmate complained of
4 certain symptoms to you and you didn't refer
5 immediately to the medical unit?

6 MR. BREEN: Objection.

7 THE WITNESS: Minor, correct.

8 Q. (By Mr. Tumposky) If they were
9 minor?

10 A. If it was a headache and the inmate
11 conveyed to me that it was just a headache, they
12 just wanted some aspirin, correct. Whether I
13 would ask or the inmate would ask me to put them
14 on the sick call list for them to get some
15 aspirin.

16 Q. But your testimony is that if they
17 ever complained about something serious you
18 always called down to the medical unit?

19 A. Correct.

20 Q. Now, turning your attention to
21 August 26 of 2001, do you recall if you were
22 working that day?

23 MR. BREEN: If you recall you were
24 working tell him.

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1 THE WITNESS: Yes.

2 Q. (By Mr. Tumposky) You do recall.

3 What shift were you working?

4 A. The 11:00 to 7:00 p.m. shift --
5 11:00 p.m. to 7:00 a.m., I'm sorry. I think I
6 must have just...

7 Q. Do you know that from your memory
8 of that day, or have you reviewed something that
9 has refreshed your memory as to your shift?

10 A. I reviewed. I do not recall --
11 prior to reviewing my paperwork I did not recall
12 working that specific day.

13 Q. Where were you assigned on that
14 day?

15 A. I believe it was Delta North 3.

16 Q. How many units are there at
17 Plymouth County?

18 A. Twenty.

19 Q. Is Delta North 3 the name of a
20 unit, or is that the name of something else?

21 A. The unit.

22 Q. So that's one of the 20 units?

23 A. Correct.

24 Q. How many prisoners are assigned to

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1 Q. **(By Mr. Tumposky) How often do**
2 **they come around?**

3 A. Medical officers go into the units
4 on the 7 to 3 shift, and the 3 to 11 shift with
5 a med card pass.

6 Q. **It can happen any time during the**
7 **shift, there's no set time for them to come out?**

8 A. Correct.

9 Q. **You've seen them come in as early**
10 **as seven?**

11 A. I've not been in a unit on the 7 to
12 3 shift recently. I would have to say no, shift
13 changes at seven o'clock. The medical officers
14 would not be in the unit at seven o'clock.

15 Q. **Did you read the complaint that**
16 **Scott Rodgers filed in this matter?**

17 A. Yes, sir.

18 Q. **Having read that complaint did it**
19 **refresh your recollection as to any**
20 **conversations you may have had with him?**

21 MR. BREEN: Objection.

22 THE WITNESS: No.

23 Q. **(By Mr. Tumposky) So to this day**
24 **you do not recall ever meeting or speaking to**

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1 **Scott Rodgers?**

2 A. Correct.

3 **Q. You have no idea what he looks**
4 **like?**

5 A. I do know what he looks like.

6 **Q. How do you know that?**

7 A. When the initial complaint was
8 filed against me I pulled him up on the computer
9 system which shows a picture of him.

10 **Q. But until then -- when you saw that**
11 **picture did it jog your memory at all?**

12 A. No, sir.

13 **Q. So you don't have any reason to**
14 **think he has anything against you?**

15 MR. BREEN: Objection. I don't
16 know what that -- objection.

17 THE WITNESS: I don't know what he
18 thinks. I don't know.

19 MR. TUMPOSKY: That's it.

20 MR. BREEN: No questions.

21 MS. WEGENER: No.

22 MR. BREEN: I don't have any
23 questions. Thank you.

24 MR. TUMPOSKY: Actually, could I

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